IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

PETITION NO.35 OF 2007.

Re : Vandana Joshi and another . . . . . Debtors.

Ex-parte :-

Jagdish D. Nagpal . . . . . Petitioning Creditor.

Ms. K. S. Lalwani, Advocate for Judgement Creditor.

Debtor absent though served.

CORAM : A.M.KHANWILKAR J.
NOVEMBER 27, 2007.

P. C.

1. The present Petition is founded on the decree passed by the Court against debtors on 14th March 1995 in B.C.C.C. Summary Suit No.4969 of 1994. As the debtors failed to pay the amount, Insolvency Notice No.N-236 of 2006 dated 13th November 2006 was issued, which was duly served on the debtor No.1 on 4th December 2006 and Debtor No.2 on 11th December 2006. Inspite of service, debtor failed to pay the decretal amount. In that sense, act of insolvency was completed on Debtor No.1 on 9th January 2007 and Debtor No. 2 on 16th January 2007.

2. As the debtors failed to pay the amount or offer any explanation for non-payment, Petitioning Creditor has had no option but to take out the present action, which has been filed on 7th April 2007. The debtors have been duly served personally on 23rd August 2007. Inspite of such service, none appears for the debtors. No reply has been filed. Inspite of such service, none appears for the debtors. As no explanation have been offered on behalf of the debtors, Petition ought to succeed in terms of prayer clauses (a) and (c).

(a) that this Honourable Court may be pleased to pass an order of adjudication against the Debtors abovenamed.

(c) And the costs for order of adjudication be provided for.

. Ordered accordingly.

A. M. KHANWILKAR, J.